

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00529-CJN**

NATIONAL SECURITY ARCHIVE v. DEFENSE
INTELLIGENCE AGENCY
Assigned to: Judge Carl J. Nichols
Cause: 05:552 Freedom of Information Act

Date Filed: 02/28/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**NATIONAL SECURITY ARCHIVE**

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V.

Defendant**DEFENSE INTELLIGENCE
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Date Filed	#	Docket Text
02/28/2019	<u>1</u>	COMPLAINT against DEFENSE INTELLIGENCE AGENCY (Filing fee \$ 400 receipt number 0090-5971625) filed by NATIONAL SECURITY ARCHIVE. (Attachments: # <u>1</u> Civil Cover Sheet Civil cover sheet, # <u>2</u> Summons Summonses, # <u>3</u> Exhibit All exhibits)(Guttman, John) (Attachment 1 replaced on 2/28/2019) (zef,).

		(Entered: 02/28/2019)
02/28/2019		Case Assigned to Judge Trevor N. McFadden. (zef,) (Entered: 02/28/2019)
02/28/2019	<u>2</u>	SUMMONS (1) Issued Electronically as to DEFENSE INTELLIGENCE AGENCY, (Attachments: # <u>1</u> Notice and Consent)(zef,) Modified on 03/06/2019 to correct issuance of summons. (Entered: 02/28/2019)
02/28/2019	<u>3</u>	STANDING ORDER establishing procedures for cases before Judge Trevor N. McFadden. The parties are directed to read and strictly comply with the directives in the attached order. Signed by Judge Trevor N. McFadden on 2/28/2019. (lctnm3) (Entered: 02/28/2019)
03/06/2019		NOTICE OF CORRECTED DOCKET ENTRY: re <u>2</u> Summons Issued Electronically, there were three summons filed and then re-docketed electronically issued to the DEFENSE INTELLIGENCE AGENCY, US ATTORNEY, and US ATTORNEY GENERAL (zef,). (zef,) (Entered: 03/06/2019)
03/06/2019	<u>4</u>	SUMMONS (3) Issued Electronically as to DEFENSE INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 03/06/2019)
04/17/2019	<u>5</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by NATIONAL SECURITY ARCHIVE . (Jacobs, Hilary) Modified on 4/18/2019 (ztth). (Entered: 04/17/2019)
04/17/2019	<u>6</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by NATIONAL SECURITY ARCHIVE . (Jacobs, Hilary) Modified on 4/18/2019 (ztth). (Entered: 04/17/2019)
04/17/2019	<u>7</u>	ENTERED IN ERROR.....CERTIFICATE OF SERVICE by NATIONAL SECURITY ARCHIVE . (Jacobs, Hilary) Modified on 4/18/2019 (ztth). (Entered: 04/17/2019)
04/17/2019	<u>8</u>	NOTICE of Appearance by NATIONAL SECURITY ARCHIVE (Jacobs, Hilary); Modified event and text on 4/19/2019 (tth). (Entered: 04/17/2019)
04/18/2019		NOTICE OF ERROR re <u>5</u> Certificate of Service; emailed to HJacobs@bdlaw.com, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. The correct event is under the Service of Process category. (ztth,) (Entered: 04/18/2019)
04/18/2019		NOTICE OF ERROR re <u>6</u> Certificate of Service; emailed to HJacobs@bdlaw.com, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. The correct event is under the Service of Process category. (ztth,) (Entered: 04/18/2019)
04/18/2019		NOTICE OF ERROR re <u>7</u> Certificate of Service; emailed to HJacobs@bdlaw.com, cc'd 1 associated attorneys -- The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. The correct event is under the Service of Process category. (ztth,) (Entered: 04/18/2019)
04/18/2019	<u>9</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/10/2019. Answer due for ALL FEDERAL DEFENDANTS by 5/10/2019. (Jacobs, Hilary) (Entered: 04/18/2019)
04/18/2019	<u>10</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. DEFENSE INTELLIGENCE AGENCY served on 4/15/2019 (Jacobs, Hilary) (Entered: 04/18/2019)
04/18/2019	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/15/2019. (Jacobs, Hilary) (Entered: 04/18/2019)
05/10/2019	<u>12</u>	ANSWER to Complaint by DEFENSE INTELLIGENCE AGENCY.(Seabrook, April) (Entered: 05/10/2019)
05/13/2019		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of the Plaintiff's FOIA request, the anticipated

		number of documents responsive to the Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by the Plaintiff, whether a motion for an <i>Open America</i> stay is likely in this case, whether a <i>Vaughn</i> index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before June 13, 2019. Signed by Judge Trevor N. McFadden on 5/13/2019. (lctnm3) (Entered: 05/13/2019)
05/13/2019		Set/Reset Deadlines: Joint Status Report due by 6/13/2019. (hmc) (Entered: 05/13/2019)
06/13/2019	<u>13</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Jacobs, Hilary) (Entered: 06/13/2019)
06/14/2019		MINUTE ORDER: Upon consideration of the parties' <u>13</u> Joint Status Report, it is hereby ORDERED that a further update shall be filed on or before June 21, 2019. This report shall apprise the Court of the status of the parties' negotiations and propose a schedule for further proceedings. Signed by Judge Trevor N. McFadden on 6/14/2019. (lctnm3) (Entered: 06/14/2019)
06/14/2019		Set/Reset Deadlines: Joint Status Report due by 6/21/2019. (hmc) (Entered: 06/14/2019)
06/21/2019	<u>14</u>	Joint STATUS REPORT by DEFENSE INTELLIGENCE AGENCY. (Seabrook, April) (Entered: 06/21/2019)
06/21/2019		MINUTE ORDER: Upon consideration of the parties' <u>14</u> Joint Status Report, it is hereby ORDERED that a further update shall be filed on or before July 31, 2019. This Report shall update the Court about whether the Defendant has produced the agreed-upon indices and shall propose a schedule for further proceedings as necessary. Signed by Judge Trevor N. McFadden on 6/21/2019. (lctnm3) (Entered: 06/21/2019)
06/24/2019		Set/Reset Deadlines: Joint Status Report due by 7/31/2019. (hmc) (Entered: 06/24/2019)
06/24/2019		Case directly reassigned to Judge Carl J. Nichols. Judge Trevor N. McFadden is no longer assigned to the case. (rj) (Entered: 06/24/2019)
07/31/2019	<u>15</u>	Joint STATUS REPORT filed by NATIONAL SECURITY ARCHIVE. (Attachments: # <u>1</u> Exhibit Exhibit 1)(Jacobs, Hilary) (Entered: 07/31/2019)
08/14/2019		MINUTE ORDER. In light of the Parties' <u>15</u> Joint Status Report and today's telephonic conference, it is hereby ORDERED that the Parties shall submit an additional Joint Status Report by September 9, 2019. Signed by Judge Carl J. Nichols on August 14, 2019. (lccjn1) (Entered: 08/14/2019)
08/14/2019		Set/Reset Deadlines: Parties Additional Joint Status Report due by 9/9/2019. (mac) (Entered: 08/14/2019)
09/09/2019	<u>16</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Jacobs, Hilary) (Entered: 09/09/2019)
09/11/2019		MINUTE ORDER. In light of the Parties' <u>16</u> Joint Status Report, it is hereby ORDERED that the Parties shall submit an additional Joint Status Report on or before October 4, 2019. Signed by Judge Carl J. Nichols on September 11, 2019. (lccjn3) (Entered: 09/11/2019)
09/11/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 10/4/2019. (zcdw) (Entered: 09/12/2019)
10/07/2019	<u>17</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Attachments: # <u>1</u> Text of Proposed Order Proposed order)(Jacobs, Hilary) (Entered: 10/07/2019)
10/31/2019		MINUTE ORDER. In light of the Parties' <u>17</u> Joint Status Report, it is hereby ORDERED that the Parties shall submit an additional Joint Status Report on or before November 8, 2019. Signed by Judge Carl J. Nichols on October 31, 2019. (lccjn3) (Entered: 10/31/2019)

10/31/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 11/8/2019. (zcdw) (Entered: 11/01/2019)
11/08/2019	<u>18</u>	Joint STATUS REPORT by NATIONAL SECURITY ARCHIVE. (Jacobs, Hilary) (Entered: 11/08/2019)
11/28/2019		MINUTE ORDER. In light of the Parties' <u>18</u> Joint Status Report, it is hereby ORDERED that Defendant shall provide Plaintiff the first production of nonexempt portions of one-fourth (i.e., eight) of the requested documents by December 10, 2019, with monthly productions of each of the remaining quarters of documents following thereafter. It is further ORDERED that the Parties shall submit an additional Joint Status Report on or before December 20, 2019. Signed by Judge Carl J. Nichols on November 27, 2019. (lccjn3) (Entered: 11/28/2019)
12/02/2019		Set/Reset Deadlines: Parties Joint Status Report due by 12/20/2019. (mac) (Entered: 12/02/2019)
12/20/2019	<u>19</u>	Joint STATUS REPORT by DEFENSE INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Seabrook, April) (Entered: 12/20/2019)
01/10/2020		MINUTE ORDER. The Court is in receipt of the Parties' <u>19</u> Joint Status Report. On November 28, 2019, the Court ordered Defendant to produce the nonexempt portions of eight documents each month based on the Parties' own proposed order to that effect. Once the Court entered that Order, compliance with the production schedule was not voluntary. The Court therefore construes this Joint Status Report to include a motion by Defendant to modify the November 28, 2019 Order. It is hereby ORDERED that the motion is GRANTED IN PART. Defendant is ORDERED to provide Plaintiff with the nonexempt portions of a minimum of four documents by the tenth of each month. Defendant is FURTHER ORDERED to complete its production of the nonexempt portions of the 31 documents listed in Appendix A or before March 31, 2020. Signed by Judge Carl J. Nichols on January 10, 2020. (lccjn3) (Entered: 01/10/2020)
03/20/2020	<u>20</u>	NOTICE of Appearance by Benton Gregory Peterson on behalf of DEFENSE INTELLIGENCE AGENCY (Peterson, Benton) (Entered: 03/20/2020)
03/30/2020	<u>21</u>	Unopposed MOTION to Stay by DEFENSE INTELLIGENCE AGENCY (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Peterson, Benton) (Entered: 03/30/2020)
04/01/2020		MINUTE ORDER. Upon review of Defendant's <u>21</u> Motion to Stay Proceedings, and considering that it is unopposed, it is hereby ORDERED that the Motion is GRANTED. It is further ORDERED that Defendant shall submit a Status Report on or before May 5, 2020, and every thirty days thereafter, apprising the Court of Defendant's FOIA operations and, if operations have resumed, proposing a schedule for further proceedings. Signed by Judge Carl J. Nichols on April 1, 2020. (lccjn3) (Entered: 04/01/2020)
04/01/2020		Set/Reset Deadlines/Hearings: Defendant's Status Report due by 5/5/2020. (zcdw) (Entered: 04/01/2020)
04/01/2020		Case Stayed. (zcdw) (Entered: 04/01/2020)
05/05/2020	<u>22</u>	STATUS REPORT by DEFENSE INTELLIGENCE AGENCY. (Peterson, Benton) (Entered: 05/05/2020)
06/05/2020	<u>23</u>	STATUS REPORT by DEFENSE INTELLIGENCE AGENCY. (Peterson, Benton) (Entered: 06/05/2020)
06/15/2020		MINUTE ORDER. Upon review of Defendant's <u>22</u> and <u>23</u> Status Reports, and consistent with the Court's April 1, 2020 Order, it is hereby ORDERED that Defendant shall submit an additional Joint Status Report on or before July 6, 2020. Signed by Judge Carl J. Nichols on June 15, 2020. (lccjn3) (Entered: 06/15/2020)
06/15/2020		Set/Reset Deadlines/Hearings: Joint Status Report due by 7/6/2020. (zcdw) (Entered: 06/16/2020)
06/15/2020		Set/Reset Deadlines/Hearings: Joint Status Report due by 7/6/2020. (zcdw) (Entered: 06/17/2020)

07/02/2020	<u>24</u>	STATUS REPORT by DEFENSE INTELLIGENCE AGENCY. (Peterson, Benton) (Entered: 07/02/2020)
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